

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVON LYONS,

Petitioner,

Case No.: 2:19-cv-00966-APG-NJK

V.

WARDEN BRIAN WILLIAMS, *et al.*,

Respondents.

ORDER

Petitioner Davon Lyons moves for leave to file a second amended petition following an
ate opportunity for investigation.. ECF No. 8. Lyons filed a counseled first amended
n on the first day of the provisional representation to preserve all known claims by one
le expiration date of the federal limitation period. As also noted in the initial provisional
ntment order, I have authorized such a “two-step” procedure in prior cases where time
ially remains in the federal limitation period at the time of the appointment but that period
xpire prior to a full opportunity for investigation by counsel. *See, e.g., McMahon v. Neven,*
14-cv-00076-APG-CWH, ECF No. 29 (D. Nev., May 29, 2014) (approving and explaining
ionale in allowing a bifurcated amendment procedure).

Such a two-step procedure is warranted here. I noted in my prior order the potential
ainty as to the base calculation of the federal limitation period in this action. *See* ECF No.
-4 & n.2. While I express no opinion as to the ultimate calculation of the limitation period,
nderstandable that counsel has sought to preserve all then-known claims by one possible
tion date. The atypically roughhewn and provisional nature of the pleading further is
standable given the short timeframe involved, appearing to reflect an inquiry reasonable

1 under such circumstances. I express no opinion whether any of the amended pleadings will
2 relate back to an earlier filing.

3 IT IS THEREFORE ORDERED that petitioner Davon Lyons's motion for leave to file a
4 second amended petition (**ECF No. 8.**) is **GRANTED**. Lyons shall have 120 days from entry of
5 this order within which to file a second amended petition.

6 Dated: June 13, 2019.

7 
8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23